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OFFICE OF PETITIONS

In re Application of	:	
Fukuhara, et al.	:	
Application No. 10/615,228	:	ON PETITION
Filed: July 9, 2003	:	
Attorney Docket No. 03180.0327	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed June 2, 2006.

The petition is **GRANTED**.

This application was held abandoned for failure to timely reply to the Restriction Requirement mailed April 12, 2005. This Office action set a shortened period for reply of one (1) month. No reply having been received, the above identified application became abandoned on May 13, 2005. A Notice of Abandonment was mailed on May 5, 2006.

Petitioner contends that he did timely file a reply to the April 12, 2005 Office action. In support, petitioner has included a copy of a properly itemized, USPTO date-stamped receipt, itemizing that a "Response to Restriction Requirement" was filed on May 12, 2005.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

Given the basis for granting this petition, no petition fee was required and none has been charged.

The matter is being forwarded to Group Art Unit 1756 for consideration of the Response to Restriction Requirement filed May 12, 2005 (copy re-supplied on petition filed June 2, 2006).

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions